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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/371,343	08/10/99	NOGUCHI	Y 5087.304-US

IM22/0426  
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EXAMINER
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ALVD, M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 04/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
08/371,343

Applicant(s)  
NOGUCHI et al

Examiner  
Steve Alvo

Group Art Unit  
1731



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-6 \_\_\_\_\_ is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 09/371,343

Art Unit: 1731

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims ~~2-52~~<sup>1-6</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over  
WO/9602632 (equivalent to U.S. Patent 5,68,765) in view of GLASSER et al.

WO/9602632 teaches treating pulp with *Bacillus* sp. SD902 to produce a xylose or xylooligosaccharide. GLASSER et al teaches treating xylose or xylooligosaccharide with methyl chloride to produce ethers. See column 1, lines 26-34 and 41-55). It would have been obvious to one of ordinary skill in the art that the xylose or xylooligosaccharide produced by WO/9602632 could be treated with methyl chloride to produce ethers as taught by GLASSER et al.

It is noted that DE 4440 245 was not considered as a translation was not provided.

When filing an "Official" FAX in Art Unit 1731, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file. The "Official" FAX phone number for this Art Unit is (703) 305-7718 for all papers except amendments after final, for amendments after final the FAX number is 703-305-3599. When filing an "Unofficial" FAX in Group 1730, please indicate in the Header (upper right) "Unofficial" for Draft Documents and

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other Communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers. The "Unofficial" FAX phone number for this Art Unit (1731) is (703) 305-7115.

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is (703) 308-2048. The Examiner can normally be reached on Monday - Friday from 6:30 AM - 3:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is (703) 308-0661.

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Carolyn E. Johnson, Marshall Gaddis, Bessie Bowie, Lucy Jones.

MSA  
April 24, 2000

  
**STEVE ALVO**  
**PRIMARY EXAMINER**  
**ART UNIT 1731**